

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/674953

Filing Date: September 29, 2003

Title: GUN SIGHT METHOD FOR HITTING A MOVING TARGET

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Dkt: 1792.001US1**REMARKS**

Claims 1, 2, 13, 14, 18, 19, and 23 are currently amended, and new claims 24-26 are added; as a result, claims 1-5 and 10-26 are now pending in this application. Claim 13 has been amended to be an independent claim. The remarks relating to the rejections issued in the previous office action as follows.

Changes to the Specification

Paragraphs 123, 139, and 144 have been amended to correct that the firth plurality of sight indicators are in the fifth (not fourth) direction as supported by Figure 1 and the context of the paragraph being changed. No new matter is added. This corresponds to the changes to claims 2, 18 and 23 referred to below.

Response to rejection of Claims 2, 18, and 23 Based Upon 35 USC 112 ¶ 2

Claims 2, 18, and 23 have been amended solely to correct the label "fourth direction" to "fifth direction" such that they appear now to be compliant with 35 USC 112 ¶ 2. Accordingly, claims 2, 18, and 23 appear to be in condition for allowance, and such action is respectfully requested.

Claims 1, 4-5, 10, 12, 14, 16-17 and 19-22 were rejected under 35 USC 102(b) as anticipated by United States Patent No. 4,787,739 (Gregory). Applicant respectfully traverses. Gregory discloses a range-finding device. No mention in Gregory is made of the device being affixed to the barrel of a gun. No indication of using the device to point or aim the gun. Claim 1 recites sight indicators configured to aim the gunbarrel compensate for motion of a target. The lack of this recitation renders the Gregory Patent inapplicable under 35 USC 102(b) for these claims of present application. Accordingly, claims 1, 4-5, 10, 12, 14, 16-17 and 19-22 appear to be in condition for allowance, and such action is respectfully requested.

Claims 24-25 were rejected under 35 USC 103(a) as unpatentable over U.S. 4,787,739 (Gregory) in view of U.S. 1,901,399 (Lyman Jr). Applicant respectfully traverses. Gregory discloses a range-finding device (not a gunsight), while Lyman Jr. (i.e., U.S. 1,901,399) discloses

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a clamping system for a firearm. Of note is that fact that the ranger finder of the Gregory Patent discloses two or more sight indicators that become smaller as they approach the bottom of the ranger finder eye piece. Should this ranger finder be clamped to the top of a gun barrel, using, for example, the clamping system of the Lyman Patent, the sight indicators would become larger as the greater the distance from the gun barrel. In contrast, the claims of the present invention have the sight indicators become smaller the greater the distance from the gun barrel. Thus, the combination of the Gregory and Lyman patents do not meet the limitation of the present claims. Accordingly claims 24-25 appear to be in condition for allowance, and such action is respectfully requested.

Claims 1, 3-5, 10-12, 14-17 and 19-22 were rejected under 35 USC 102(b) as anticipated by Shepard (i.e., U.S. 4,584,776). Applicant respectfully traverses. Shepard discloses a telescopic gun sight, but fails to disclose all of the limitations of the present application. In Shepard, the sight indicators (e.g., the little men in Figure 7 and the circles in Figure 8) get smaller as they are closer to the barrel. The present claims have the sight indicators that are further from the barrel as smaller than those closer to the barrel. Accordingly, claims 1, 3-5, 10-12, 14-17 and 19-22 appear to be in condition for allowance over this reference, and such action is respectfully requested.

Claims 1, 3-5, 10-12, 14-17 and 19-22 were rejected under 35 USC 102(b) as anticipated by Wascher et al. (i.e., U.S. 5,491,546). Applicant respectfully traverses. Wascher et al disclose a Laser Assisted Telescopic Target Sighting System and Method. The claims of the present application can be distinguished from Wascher et al., since Wascher et al. supposedly use the relative sizes of a laser beam spot shining on the target compared to a sight indicator at various distances as the basis for determining the distance of a target (apparently, their optics have the spot growing larger (and the target apparent image growing smaller) as distance increases) and compensating for projectile drop over that distance. In contrast, the present claims compensate for target motion and use the actual size of the target relative to a sight indicator. Accordingly, claims 1, 3-5, 10-12, 14-17 and 19-22 appear to be in condition for allowance over this reference, and such action is respectfully requested.

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Withdrawn claims:

Claims 6-9 were withdrawn as directed to a non-elected invention. Since the claims upon which these depend now appear to be in condition for allowance, reconsideration and allowance of claims 6-9 is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((952) 278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 502931.

Respectfully submitted,

GREGORY D. DIETZ

By his Representatives,

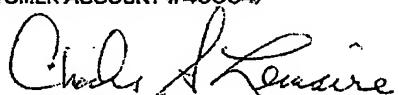
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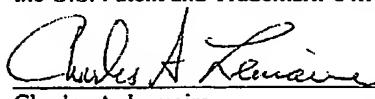
22 August 2005

By



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CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 1- 571-273-8300 on this 22nd day of August, 2005.


Charles A. Lemaire